REMARKS

I. Election/Restriction

The referenced application is the U.S. national stage application of PCT/EP00/05760, filed June 21, 2000 ("the PCT application"). The restriction requirement given in the prior Office Action (Paper No. 6) was withdrawn and a new restriction requirement under 35 U.S.C. §121 and 372 was issued in the outstanding Office Action. It is alleged that the subject application contains the following inventions or groups of inventions which are independent and patentably distinct:

Group I, claims 1 and 2, drawn to producing microfiber webs; and

Group II, claims 3 and 4, drawn to microfiber webs.

For examination purposes, Applicants elect the invention of Group I with traverse.

II. Traversal of Restriction Requirement

Applicants respectfully traverse the restriction requirement. For the following reasons, withdrawal of the restriction is requested.

The Examiner alleges that restriction is proper under 35 U.S.C. §121 and 372 on the grounds that the inventions of Groups I and II do not relate to as single general inventive concept under PCT Rule 13.1. The Examiner alleges that the special technical feature(s) of these claims is anticipated by, or obvious in view of, the prior art documents cited in the International Search Report of the PCT application. As a result, the Examiner concludes that under Rule 13.2, these groups of claims do not define a contribution over the prior art and therefore lack unity of invention and require restriction.

Applicant submit that the restriction requirement is based on a prior art rejection, either under 35 U.S.C. §102 or §103, without the rejection having been made of record. As such, the rejection is peremptory. Applicants will respond full to any prior art rejection leveled against the claimed invention if and when any such rejection is made of record.

Furthermore, unity of invention of U.S. national phase applications is determined not only by PCT Rules 13.1 and 13.2, but also by 37 C.F.R. §1.475(b)(3) which provides that a national stage application ***will be considered to have unity of invention*** when the claims, as in the present application, are drawn to a product (**claim 3**), a process specially adapted for the manufacture of said product (**claims 1 and 2**), and a use of the said product (**claim 4**). Accordingly, the pending claims fulfill the requirements for unity of invention according to U.S. national stage regulations.

For all of the foregoing reasons, the restriction requirement is improper and withdrawal thereof is requested. Applicants respectfully request that claims 1-4 be examined together in the same application.

CONCLUSION

It is submitted that Applicants have completely responded to the restriction requirement. Upon entry of the amendment, claims 1-4 are pending. Applicants submit that the application is in condition for allowance, which action is earnestly solicited.

The Assistant Commissioner is authorized to charge any fee which may be due in connection with this communication to Deposit Account 23-1703.

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Respectfully submitted,

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